

CITY OF GARDNER'S 2008 LEGISLATIVE AGENDA

Federal Issues

The following is the City of Gardner's legislative agenda for 2008:

1. **Home Rule and Local Control** --The governing of public affairs should remain accessible to citizens. Preservation of constitutionally granted home rule authority as it exists today is essential to effective and responsible local self-government. Locally elected officials are in the best position to make decisions of community concern and are most accountable for those decisions. The City of Gardner opposes any federal legislation that would directly or indirectly limit the State constitutionally granted home rule authority given to cities. This includes:
 - a. Annexation -- allowing cities to grow is inherent to the ultimate success of communities across the nation. Gardner supports the currently established State of Kansas statute and opposes any further changes that limit the authority of cities to grow.
 - b. Eminent domain -- is a fundamental authority for municipalities. The authority to acquire property through condemnation proceedings is critical for public improvements as well as sound economic development policy. The City believes meaningful protections exist in current statutes safeguarding landowner's rights in such proceedings.
 - c. Unfunded Mandates --The imposition of mandates and programs on local governments without accompanying state or federal funding is contrary to the spirit of constitutional home rule. Any function or activity mandated by the state upon local governments should be fully and continuously funded by the state or federal entity making such programs required.
 - d. Collective Bargaining -- The City of Gardner opposes any federal mandate that would require collective bargaining at the local level.
2. **Continue Federal Funding Transportation Initiatives** -- Safe and efficient highways are an integral part of commerce, economic development, and the quality of life in communities. The new federal SAFETEA-LU will have a dramatic impact on both the City and metropolitan region's transportation infrastructure during the next five years. The bill only authorized \$286 billion in federal funds during the five-year life of the legislation, which is likely to be inadequate with large hurricane reconstruction issues. Additionally, the continuing federal deficits may make it hard for Congress to appropriate the maximum annual funding allowed by SAFETEA-LU. The City of Gardner requests that the intention of this transportation legislation be honored and funding levels in this area be maintained. The City of Gardner sees a reduction in transportation as potentially damaging to its economic growth, especially to the U.S. 56 and Moonlight Road Project. Any reductions in authorized spending levels in SAFETEA-LU would cause dramatic and unintended consequences to our areas growing population and necessary expansion of its transportation network.
3. **Infrastructure for the KC Logistics Hub** -- The City of Gardner is requesting specific support for any and all transportation provisions necessary for an additional interchange to be located on I-35 that would support traffic from the KC Logistics Hub. Gardner would also like to request continued assistance to improve the current

Gardner Road interchange. The City would also request assistance in relocation of the I-35 weigh station located north of exit 210 as well as promote the consideration of three lanes in each direction on I-35 south of 151st Street to at a minimum the Johnson County line.

4. **End the Tax Moratorium on Internet Sales** –The City of Gardner supports the destination-based sales tax. Gardner and many other communities have benefited from the change to destination based taxation in Kansas. It is proper distribution of the money and creates a way to tax Internet sales.

State and municipal governments rely heavily on sales tax revenue to provide public services. Although residents making on-line purchases receive these services, they do not share equally in the cost. Unequal taxing of remote sales creates an unfair pricing advantage for on-line retailers. Nationwide implementation of the Streamlined Sales Tax Project will level the playing field between on-line and “main street” businesses.

The City of Gardner urges the United States Congress to take action as soon as practical to institute mandatory collection of sales and use taxes on remote sales. Legislation was passed in the United States Senate to extend the moratorium on an e-commerce retail sales tax. The moratorium places traditional “brick and mortar” businesses at a competitive disadvantage. Continued extensions of the moratorium in this time of diminishing local government revenue results in increased property taxes, reductions in services, or a combination of the two. The City of Gardner supports legislation that would lift the tax moratorium on Internet sales.

4. **Management of Public Right-of-Way**— The management of public rights-of-way is a fiduciary responsibility of local government. Gardner vigorously oppose restrictions which may be placed on local governments restricting the management of public rights-of-way or limiting our ability to recover public costs incurred when such property is necessarily used by regulated and non-regulated utilities or service providers. The City of Gardner recognizes that the last decade has brought major changes to telecommunications services. As these changes are made the essential role, responsibilities, and the rights of local governments must be maintained. Changes to state and federal telecommunications laws should reaffirm local jurisdictions’ authority to manage their public rights-of-way, allow local jurisdictions to set fair compensation for use of the rights-of-way, and allow local governments to provide to its citizens essential services at fair and competitive costs. Additionally, similar types of services that are provided via cable lines or phone lines should be treated in the same way with respect to the public rights-of-way and franchise fees.
5. **Franchise Authority** - Gardner opposes any legislation that restricts the current franchise authority for cities.
6. **Funding for Local Agencies to Prevent and Respond to Acts of Terrorism**— Local government public safety personnel are the first to respond to acts of terrorism and are often at the forefront of preventing acts of terrorism. Available funds should be used and distributed in a manner that provides local governments maximum resources and flexibility to prevent and combat terrorism, especially monies for training and overtime purposes. The City of Gardner supports legislation that provides adequate funding to prevent and respond to acts of terrorism.